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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CARLA H. HARVEY,

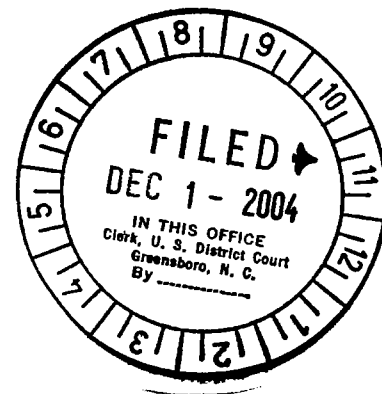
Plaintiff,

v.

ASTRA MERCK INC. LONG TERM
DISABILITY PLAN; UNUM LIFE
INSURANCE COMPANY OF AMERICA;
UNUMPROVIDENT CORPORATION; and
ASTRAZENECA PHARMACEUTICALS
LIMITED PARTNERSHIP

Defendants.

1:03CV00334



ORDER

BEATY, District Judge.

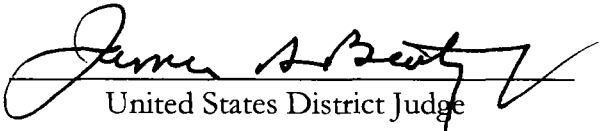
This matter is presently before the Court on Defendants' Motion for Summary Judgment [Document #30], Defendants' Motion to Strike Jury Trial Demand [Document #33], and Plaintiff's counter-Motion for Summary Judgment [Document #35]. For the reasons discussed in the Memorandum Opinion filed contemporaneously herewith, the Court concludes that genuine issues of material fact must be resolved in order to determine whether Unum's decision to terminate Plaintiff's disability benefits was an abuse of discretion. Therefore, Defendants' Motion for Summary Judgment [Doc. #30] and Plaintiff's Motion for Summary Judgment [Doc. #35] are DENIED.

However, to the extent that Defendants' Motion for Summary Judgment [Doc. #30] also seeks to dismiss all claims against Defendants AstraZeneca Pharmaceuticals Limited Partnership and UnumProvident Corporation, that Motion is GRANTED, and all claims against Defendants AstraZeneca Pharmaceuticals Limited Partnership and UnumProvident Corporation are hereby

DISMISSED.

Defendants' Motion to Strike Jury Trial Demand [Doc. #33] is also GRANTED. This matter will therefore be heard before this Court as a bench trial, and is presently scheduled for the civil term of court beginning January 3, 2005.

This, the 1ST day of December, 2004.


United States District Judge